

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION

This Document Relates to: ALL CASES

Master Case No.: C09-0037 (MJP)

**[PROPOSED] ORDER STRIKING
DEFENDANTS' COUNSEL'S
DECLARATION AND DENYING
DEFENDANTS' REQUEST TO
PRECLUDE PLAINTIFFS' EVIDENCE**

ORAL ARGUMENT REQUESTED

This matter came before the Court on Plaintiffs' Rule 7(g) motion to strike and surreply ("Plaintiffs' motion") opposing Defendants' application to preclude evidence made for the first time in their Reply in Support of their Motion for Summary Judgment ("Defendants' Reply") and by the declaration of Defendants' counsel Hector J. Valdes ("Valdes Declaration"). The Court having considered Plaintiffs' Motion, the Declaration of Anne Box in support of the motion, Defendants' Reply and the Valdes Declaration, hereby GRANTS Plaintiffs' motion and ORDERS as follows.

- ¶¶2-4 of the Valdes Declaration (ECF No. 427) and any references to or arguments made in reliance thereon in Defendants' Reply (ECF No. 426) are hereby stricken; and
- Defendants' Motion to Preclude Use of Untimely Disclosed Witnesses (ECF No. 428) is denied.

The Court further finds that Defendants have failed to satisfy their burden to exclude the report of the Senate under Fed. R. Evid. 803(8).

IT IS SO ORDERED.

DATED this __ day of _____, 2012.

The Honorable Marsha J. Pechman
United States District Judge

Presented by:

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